



General Assembly

Substitute Bill No. 1139

January Session, 2013



AN ACT CONCERNING CHANGES TO PROGRAM APPROVAL FOR INSTITUTIONS OF HIGHER EDUCATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10a-34 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) For the purposes of this section, (1) "program of higher learning"
4 means any course of instruction for which it is stated or implied that
5 college or university-level credit may be given or may be received by
6 transfer; (2) "degree" means any letters or words, diploma, certificate
7 or other symbol or document which signifies satisfactory completion
8 of the requirements of a program of higher learning; (3) "institution of
9 higher [learning] education" means any person, school, board,
10 association, limited liability company or corporation which is licensed
11 or accredited to offer one or more programs of higher learning leading
12 to one or more degrees; (4) "license" means the authorization by the
13 [State Board of Education] Office of Higher Education to operate a
14 program or institution of higher learning for a specified initial period;
15 (5) "accreditation" means the authorization by said [board] office to
16 continue operating a program or institution of higher learning for
17 subsequent periods, and in such periods to confer specified degrees;
18 (6) "program modification" means (A) a change in a program of higher
19 learning that does not clearly qualify as a new program of higher

20 learning or a nonsubstantive change, including, but not limited to, a
21 new program of higher learning consisting primarily of course work
22 for a previously approved program of higher learning, (B) an
23 approved program of higher learning to be offered at an off-campus
24 location, (C) a change in the title of a degree, or (D) a change in title of
25 a program of higher learning; (7) "nonsubstantive change" means (A) a
26 new undergraduate certificate program of not more than thirty
27 semester credit hours that falls under an approved program of higher
28 learning, (B) a new baccalaureate minor of not more than eighteen
29 semester credit hours, (C) a new undergraduate option or certificate
30 program of not more than fifteen semester credit hours, or (D) a new
31 graduate option or certificate program of not more than twelve
32 semester credit hours; and (8) "substantive change" means any change
33 in a program of higher learning that does not constitute a new
34 program of higher learning or qualify as a nonsubstantive change.

35 (b) The Office of Higher Education shall establish regulations, in
36 accordance with chapter 54, concerning the requirements for licensure
37 and accreditation, such regulations to concern administration, finance,
38 faculty, curricula, library, student admission and graduation, plant and
39 equipment, records, catalogs, program announcements and any other
40 criteria pertinent thereto, as well as the periods for which licensure and
41 accreditation may be granted, and the costs and procedures of
42 evaluations as provided in subsections (c) and (d) of this section. [Said
43 office may establish an advisory council for accreditation composed of
44 representatives of public and private institutions of higher learning
45 and the public at large to advise the office regarding existing or
46 proposed regulations.] Said office shall establish academic review
47 commissions to hear each appeal of a denial by said office of an
48 application by an institution of higher education for licensure or
49 accreditation of a program of higher learning or institution of higher
50 education. For each individual appeal, the executive director of said
51 office, or the executive director's designee, shall select a commission
52 that is comprised of four higher education representatives and five
53 business and industry representatives chosen from a panel of twenty-

54 five members, who shall be appointed as follows: (1) The Governor
55 shall appoint five members; (2) the majority leader of the House of
56 Representatives shall appoint five members; (3) the majority leader of
57 the Senate shall appoint five members; (4) the minority leader of the
58 House of Representative shall appoint five members; and (5) the
59 minority leader of the Senate shall appoint five members. The
60 executive director of said office, or the executive director's designee,
61 shall ensure that each commission contains at least one member
62 appointed by each of the appointing authorities. Each appointing
63 authority shall select both higher education representatives and
64 business and industry representatives, but not more than three from
65 either category of representatives.

66 (c) No person, school, board, association or corporation shall confer
67 any degree unless authorized by act of the General Assembly. No
68 application for authority to confer any such degree shall be approved
69 by the General Assembly or any committee thereof, nor shall any such
70 authority be included in any charter of incorporation until such
71 application has been evaluated and approved by the State Board of
72 Education in accordance with regulations established by the Office of
73 Higher Education.

74 (d) The Office of Higher Education shall review all applications for
75 nonsubstantive and substantive changes, licensure and accreditation.
76 The office shall review each application in consideration of the
77 academic standards set forth in the regulations for licensure and
78 accreditation adopted by said office in accordance with the provisions
79 of subsection (b) of this section. Any application that is determined by
80 the office to be a program modification that meets all such academic
81 standards or for a nonsubstantive change to an existing program shall
82 be deemed approved, and the office shall notify the institution of such
83 approval, not later than thirty days from the date the office receives
84 such application without requiring any further action from the
85 applicant.

86 (e) If the executive director of the Office of Higher Education, or the

87 executive director's designee, determines that further review of an
88 application is needed due at least in part to the applicant offering
89 instruction in a new program of higher learning or new degree level,
90 then the executive director or the executive director's designee shall
91 conduct a focused or on-site review. Such applicant shall have an
92 opportunity to state any objection regarding any individual selected to
93 review an application on behalf of the executive director.

94 (f) The executive director of the Office of Higher Education, or the
95 executive director's designee, may require a focused or on-site review
96 of any program application in a health-related field where a license in
97 Connecticut is required to practice in such field.

98 (g) Any application for licensure of a new institution in this state
99 shall be subject to an on-site review upon a determination by the Office
100 of Higher Education that the application is complete and shall be
101 reviewed at the institutional level for each program as described in
102 subsection (b) of this section. Such process shall be completed not later
103 than nine months from the date said office receives the application.

104 (h) If the Office of Higher Education denies an application for
105 licensure or accreditation of a program or institution of higher
106 education, the applicant may appeal the denial not later than ten days
107 from the date of denial. The academic review commission shall review
108 the appeal and make a decision on such appeal not later than thirty
109 days from the date the applicant submits the appeal to said office.

110 [(d)] (i) No person, school, board, association or corporation shall
111 operate a program or institution of higher learning unless it has been
112 licensed or accredited by the [State Board of Education] Office of
113 Higher Education, nor shall it confer any degree unless it has been
114 accredited in accordance with this section. [The board shall not grant
115 any new license or accreditation until it has received a report of an
116 evaluation of such program or institution by competent educators
117 approved by the board.] The [board] office shall accept regional [or,
118 where appropriate, national] accreditation, in satisfaction of the

119 requirements of this subsection unless the [board] office finds cause
120 not to rely upon such accreditation. If any institution of higher
121 education provides evidence of programmatic accreditation, the office
122 shall consider such accreditation in satisfaction of the requirements of
123 this subsection and deem the program at issue in the application for
124 accreditation to be accredited in accordance with this section. National
125 accreditation for Connecticut institutions of higher education
126 accredited prior to July 1, 2013, shall be accepted as being in
127 satisfaction of the requirements of this subsection unless the office
128 finds cause not to rely on such national accreditation.

129 [(e)] (j) No person, school, board, association or corporation shall
130 use in any way the term "junior college" or "college" or "university" or
131 use any other name, title, literature, catalogs, pamphlets or descriptive
132 matter tending to designate that it is an institution of higher learning,
133 or that it may grant academic or professional degrees, unless the
134 institution possesses a license from, or has been accredited by, the
135 [board] office, nor shall it offer any program of higher learning without
136 approval of the [State Board of Education] Office of Higher Education.

137 [(f)] (k) Accreditation of any program or institution or authority to
138 award degrees granted in accordance with law prior to July 1, 1965,
139 shall continue in effect.

140 [(g) If an existing institution, adversely affected by this section,
141 applies to the board for licensure or accreditation, said board may
142 grant licensure on a temporary basis to expire within one year and
143 renewable from year to year, if, in the judgment of the board,
144 reasonable progress is being made by such institution toward meeting
145 the standards required by regulations of the board.]

146 Sec. 2. Subsection (d) of section 10a-34a of the general statutes is
147 repealed and the following is substituted in lieu thereof (*Effective July*
148 *1, 2013*):

149 (d) The person, school, board, association or corporation aggrieved

150 by the order of the executive director imposing an administrative
 151 penalty pursuant to subsection (c) of this section shall, not later than
 152 fifteen days after such order is mailed, request, in writing, a hearing
 153 before the [State Board of Education] Office of Higher Education. Such
 154 hearing shall be held in accordance with the provisions of chapter 54.

155 Sec. 3. Section 10a-34c of the general statutes is repealed and the
 156 following is substituted in lieu thereof (*Effective July 1, 2013*):

157 The executive director of the Office of Higher Education may
 158 conduct an investigation and, through the Attorney General, maintain
 159 an action in the name of the state against any person, school, board,
 160 association or corporation to restrain or prevent the establishment or
 161 operation of an institution that is not licensed, accredited or authorized
 162 to award degrees by the [State Board of Education] Office of Higher
 163 Education pursuant to the provisions of section 10a-34, as amended by
 164 this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	10a-34
Sec. 2	<i>July 1, 2013</i>	10a-34a(d)
Sec. 3	<i>July 1, 2013</i>	10a-34c

HED *Joint Favorable Subst.*